

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., by and through her next friend, James D. Johnson; JAMISON J., by and through his next friend, Clara Lewis; DESIREE, RENEE, TYSON, and MONIQUE P., by and through their next friend, Sylvia Forster; JOHN A., by and through his next friend, James D. Johnson; CODY B., by and through his next friend, Sharon Scott; MARY, TOM, MATTHEW, and DANA W., by and through their next friend, Zelatra W.; AND SAM H., by and through his next friend, Yvette Bullock; on their own behalf and behalf of all others similarly situated,

Plaintiffs.

v.

CIVIL ACTION NO.  
3:04-CV-251-TSL-FKB

PHIL BRYANT, as Governor of the State of Mississippi; DONALD TAYLOR, as Executive Director of the Department of Human Services; AND BILLY MANGOLD, as Director of the Division of Family and Children's Services,

Defendants.

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR  
APPROVAL OF CONTENTION DISCOVERY RELATED TO RULE 60(B) MOTION**

Plaintiffs do not oppose Defendants' request for approval of the "contention" discovery within the parameters set forth in the Court's Order granting Plaintiffs' motion for an amended case management order and for limited discovery [Dkt. No. 768]. Defendants' instant request for approval of reciprocal discovery, however, impacts the current discovery schedule set forth in the Court's Order [Dkt. No. 783]. Specifically, in light of Defendants' request for this discovery, including depositions, Plaintiffs respectfully submit that the limited discovery completion deadline will need to be extended by 24 days to allow both parties an opportunity to review the anticipated reciprocal discovery responses prior to selecting and deposing witnesses. Since defendants have filed the 60(b) motion and have the burden of proof, Plaintiffs further propose

that Defendants proceed first with their depositions, followed by Plaintiffs' depositions. The proposed discovery dates are set forth below.

**Proposed Discovery Schedule**

- As reflected in the governing scheduling Order [Dkt. No. 783], written responses to Plaintiffs' requests are due to be served by **September 24, 2018** and documents shall be produced by **October 8, 2018**.
- Plaintiffs will respond to the discovery requests attached to Defendants' instant motion for approval of contention discovery in accordance with the Court's anticipated amended scheduling order.
- Defendants will take depositions of witnesses identified in Plaintiffs' responses to discovery requests between **October 29th and November 2nd**. Plaintiffs will take depositions of witnesses identified in defendants' responses to discovery requests between **November 12th and November 16th**.
- All discovery will be completed by **November 16th**.
- Plaintiffs' supplemental response to Defendants' 60(b) motion shall be due **30 days** from the final day of the discovery period. Defendants' rebuttal to the supplemental response shall be due **30 days** thereafter.

Plaintiffs therefore respectfully submit that the discovery schedule set forth in the Court's recent Order [Dkt. No. 783] will need to be amended to give the parties additional time, as proposed by this Response, to review the discovery and conduct the appropriate depositions.

Plaintiffs should be afforded adequate time to conduct the additional limited discovery and to incorporate the results of that discovery into a supplemental opposition to Defendants' pending 60(b) motion.

Dated: September 11, 2018

*/s/ Marcia Robinson Lowry*

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*Plaintiffs' Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will deliver copies to all counsel of record.

/s/ Marcia Robinson Lowry  
Marcia Robinson Lowry (*pro hac vice*)